

Application Serial No. 09/574,909

REMARKS

The Applicants and the undersigned thank Examiner Gart for his time and consideration given during the telephonic interview of January 13, 2005. The Applicants also appreciate the Examiner's careful review of this application.

In connection with a Request for Continued Examination (RCE) filed herewith, consideration of the claim amendments above and the remarks below is respectfully requested. Claims 1-5, 7-9, 13-15, 17-18, 27, 37-46, 50, 55, 62-67, and 70 have been rejected. Upon entry of this amendment, Claims 1-78 have been cancelled while Claims 79-98 (twenty in number) remain pending in this application. Claims 79, 86, and 93 are the independent claims. Entry and consideration of this amendment and remarks are respectfully requested.

Summary of Telephonic Interview Conducted on January 13, 2005

The Applicants and the undersigned extend their gratitude to the Examiner for the telephonic interview conducted with the Examiner on January 13, 2005. During the telephonic interview, the Applicants' representative and the Examiner discussed the prior art publications that the Examiner has used to reject the previous pending claims. Specifically, the following four publications were discussed:

(1) "Improvenet Matches Homeowners, Contractor," authored by Bill Rumbler, Chicago Sun-Times, May 2, 1999, page 3 (PTO-892 of Paper No. 8, Office Action of November 19, 2003; Reference U);

(2) "Way to Find Contractor Just Improved Greatly," authored by Joesph Szadkowski, Washington, March 11, 1999, page E3 (PTO-892 of Paper No. 8, Office Action of November 19, 2003; Reference V);

(3) "Homeowners Find Contractors on the Internet," authored by Beth Belton, USA Today, Arlington, April 13, 1999, page 02B (PTO-892 of Paper No. 8, Office Action of November 19, 2003; Reference W);

(4) "www://web.archive.org/web/*/www.Improvenet.com [Internet archiving program], retrieved on November 3, 2002 <Internet>, December 21, 1996 - November 26, 2002 (PTO-892 of Paper No. 8, Office Action of November 19, 2003; Reference X).

Application Serial No. 09/574,909

The Applicants will refer to these four publications noted above collectively as the "Improvenet publications."

During the telephonic interview, the Applicants explained that the Improvenet publications do not teach every element of amended independent Claims 79, 85, and 92. The Applicants emphasized that while the Improvenet publications describe an Internet website that is in the same field as the Applicants technology, the Improvenet publications do not describe several elements that are recited in amended independent Claims 79, 85, and 92.

Specifically, the Improvenet publications do not describe a computer-implemented matching engine that tracks a historical acceptance of consumer leads by each service provider. The Improvenet publications also do not describe how information is presented on their website and how consumer lead acceptance information is used to select service providers from the database for tasks. The Applicants also explained that the Improvenet publications do not constitute enabling prior art for one of ordinary skill in the art because they do not describe the technology in sufficient detail.

Examiner Gart made an observation that he did not understand the difference between the Applicants' technology and a website that may provide a database of restaurants in which a consumer could search for restaurants based on his or her preferences for cuisine classes of food (such as Italian or American food).

The Applicants explained that the Examiner should give patentable weight to the business model and businesses recited in each of the amended independent claims: home services and home service providers. The Applicants explained that a restaurant website would not track consumer leads in detail compared to the home service industry because of the differences between the businesses. Restaurants do not provide the same type of services in which names and addresses of the consumers are important. Restaurants are usually only concerned that consumers know the location and operating hours of a particular establishment. It was explained that a restaurant was more akin to a telephone directory that does not function to track identities of its readers.

Meanwhile, consumer leads are one of several elements that are important and tracked by the home service industry. The Applicants' home service matching engine tracks historical acceptance of consumer leads by a home service provider. The matching

Application Serial No. 09/574,909

engine can use this historical acceptance of consumer leads to select a smaller group of home service providers from a larger group of home service providers who may match a home service task requested by a consumer.

Examiner Gart suggested that the Applicants further tie in the "consumer leads" element of the claims. (The Applicants have amended the claims in accordance with the Examiner's helpful suggestion.) Examiner Gart stated he would take these points discussed by the Applicants under consideration and that he would likely need to conduct an update search of the prior art.

The Applicants and the undersigned request Examiner Gart to review this interview summary and to approve it by writing "Interview Record OK" along with his initials and the date next to this summary in the margin as discussed in MPEP § 713.04, p. 700-202.

Claim Rejections Under 35 U.S.C. §102

The Examiner rejected Claims 1-5, 7-9, 13-15, 17-18, 27, 37-46, 50, 55, 62-67, and 70 under 35 U.S.C. § 102(a) as being anticipated by the Improvenet publications. The Applicants respectfully offer remarks to traverse these pending rejections. The Applicants will address each independent claim separately as the Applicants believe that each independent claim is separately patentable over the prior art of record.

The Applicants note that the previous pending claims have been cancelled and the Applicants have presented new Claims 79-97. However, the Applicants will discuss these new claims to explain how they are different from the prior art of record.

Independent Claim 79

It is respectfully submitted that the Improvenet publications fail to describe, teach, or suggest the combination of (1) creating a database comprising home service providers and data for tracking a historical acceptance of consumer leads by each home service provider; (2) receiving information relating to a home service; (3) in response to receiving the information, providing a first list comprising tasks that relate to skills of home service providers; (4) receiving a selection of a task from the first list; (5) in response to receiving the selection of the task, forming a second list comprising home

Application Serial No. 09/574,909

service providers from the database who match the selected task; (6) selecting home service providers from the second list based upon historical acceptance of consumer leads by home service providers; and (7) providing a third list comprising home service providers, as recited in amended independent Claim 79.

The Improvenet Publications

The Improvenet publications generally describe a website that allows a consumer to find a home contractor over the Internet. Reference U of the Improvenet publications generally describes the process:

"After you log in with ImproveNet, you're asked about your project (kitchen remodeling, room addition, etc.), what you estimate the cost to be and when you want to get started. ImproveNet submits your job description (but not your name) to local contractors. Those who are interested in the project (as many as four) pay 6\$ each to ImproveNet." Reference U, page 1, Abstract, third paragraph; page 2, eighth paragraph.

Reference V of the Improvenet publications also generally describes the process:

"The process is fairly simple. The homeowner provides some basic information, including a text description of the project, approximate square footage of the space involved and an estimated budget. ImproveNet compares that information with its list of more than 600,000 pre-screened contractors, designers, and architects...

...If the professionals identified by ImproveNet are interested in being considered for a particular job, their names, e-mail addresses and phone numbers are sent to the inquiring homeowner." (Reference V, page 1, Abstract, second paragraph; page 1, third and fifth paragraphs.)

As the Applicants have noted, while the Improvenet publications describe a technology in the same field of the Applicants technology, these publications do not provide enabling details for Improvnet's matching process. Further, these publications do not provide any teaching of (a) creating a database comprising home service providers and data for tracking a historical acceptance of consumer leads by each home service provider; (b) providing a first list comprising tasks that relate to skills of home service

Application Serial No. 09/574,909

providers; (c) receiving a selection of a task from the first list; and (d) selecting home service providers from a second list based upon historical acceptance of consumer leads by home service providers, as recited in amended independent Claim 79.

In addition to not teaching the aforementioned claimed elements, the Improvenet publications are not enabling prior art because of the fact that these publications are newspaper and journal articles. The target audience for these publications is the general public, and therefore, these publications were not written with sufficient detail to enable one of ordinary skill in the art to make and build the technology as described.

The Applicants remind the Examiner that the Manual of Patent Examining Procedure (MPEP) states in § 2121.01 that prior art used in rejections must be enabling and must not only describe subject matter in general terms:

"2121.01 Use of Prior Art in Rejections Where Operability Is in Question

In determining that quantum of prior art disclosure which is necessary to declare an applicant's invention 'not novel' or 'anticipated' within section 102, the stated test is whether a reference contains an 'enabling disclosure'... ." In re Hoeksema, 399 F.2d 269, 158 USPQ 596 (CCPA 1968). The disclosure in an assertedly anticipating reference must provide an enabling disclosure of the desired subject matter; mere naming or description of the subject matter is insufficient, if it cannot be produced without undue experimentation. Elan Pharm., Inc. v. Mayo Foundation for Medical and Education Research, 346 F.3d 1051, 1054, 68 USPQ2d 1373, 1376 (Fed. Cir. 2003)."

The Applicants also remind the Examiner that the MPEP requires enabling prior art to show all claimed structural features and how they interact with one another. This standard for enabling prior art is fully described in MPEP § 2121.04 that discusses how pictures may be used as prior art:

"2121.04 Apparatus and Articles — What Constitutes Enabling Prior Art - PICTURES MAY CONSTITUTE AN 'ENABLING DISCLOSURE'

Pictures and drawings may be sufficiently enabling to put the public in the possession of the article pictured. Therefore, such an enabling picture may be used to reject claims to the article. However, the picture must show all

Application Serial No. 09/574,909

the claimed structural features and how they are put together. Jockmus v. Leviton, 28 F.2d 812 (2d Cir. 1928). See also MPEP § 2125 for a discussion of drawings as prior art."

Therefore, the Applicants respectfully submit that the Improvenet publications cannot be used to reject any of the claims of the Applicants' invention because these publications only provide a "mere naming or description of the subject matter" and because they do not show "all the claimed structural features and how they are put together."

Even if the Examiner asserts that the Improvenet publications are enabling prior art, the Applicants respectfully submit that these publications still do not teach every element of amended independent Claim 79 as discussed above.

In light of the differences between amended Claim 79 and the Improvenet Publications, one of ordinary skill in the art recognizes that the broadest, reasonable interpretation of the Improvenet publications cannot anticipate or render obvious the recitations as set forth in amended independent Claim 79. Accordingly, consideration and an indication that Claim 79 is allowable over the prior art are respectfully requested.

Independent Claim 86

It is respectfully submitted that the Improvenet publications fail to describe, teach, or suggest the combination of (1) receiving background information from home service providers; (2) monitoring a historical acceptance of consumer leads by each home service provider; (3) creating a database of home service providers based on the background information received from the home service providers; (4) receiving information relating to a home service; (5) in response to receiving the information, providing a menu comprising tasks that relate to skills of home service providers; (6) receiving a selection of a task from the menu; (7) in response to receiving the selection of the task, forming a dataset comprising home service providers from the database who match the selected task; and (8) selecting home service providers from the dataset based upon historical acceptance of consumer leads by home service providers, as recited in amended independent Claim 86.

The Improvenet publications do not provide any teaching of (a) monitoring a historical acceptance of consumer leads by each home service provider; (b) in response to

Application Serial No. 09/574,909

receiving the information, providing a menu comprising tasks that relate to skills of home service providers; (c) receiving a selection of a task from the menu; and (e) selecting home service providers from the dataset based upon historical acceptance of consumer leads by home service providers.

Further, the Improvenet publications do not constitute enabling prior art as noted above in the discussion for independent Claim 79. Specifically, the Improvenet publications cannot be used to reject any of the claims of the Applicants' invention because these publications only provide a "mere naming or description of the subject matter" and because they do not show "all the claimed structural features and how they are put together."

Even if the Examiner asserts that the Improvenet publications are enabling prior art, the Applicants respectfully submit that these publications still do not teach every element of amended independent Claim 86 as discussed above.

In light of the differences between amended Claim 86 and the Improvenet Publications, one of ordinary skill in the art recognizes that the broadest, reasonable interpretation of the Improvenet publications cannot anticipate or render obvious the recitations as set forth in amended independent Claim 86. Accordingly, consideration and an indication that Claim 86 is allowable over the prior art are respectfully requested.

Independent Claim 93

It is respectfully submitted that the Improvenet publications fail to describe, teach, or suggest the combination of (1) a database accessible via the distributed electronic network for storing background information on home service providers and (2) for storing a historical acceptance of consumer leads by each home service provider; and (3) a host server for communicating with the database and with a network device via the distributed electronic network and for executing computer-executable instructions for: (4) receiving information relating to a home service; (5) in response to receiving the information, providing a menu comprising tasks that relate to skills of home service providers; (6) receiving a selection of a task from the menu; (7) in response to receiving the selection of the task, forming a dataset comprising home service providers from the database who match the selected task; and (8) selecting home service providers from the

Application Serial No. 09/574,909

dataset based upon historical acceptance of consumer leads by home service providers, as recited in amended independent Claim 93.

The Improvenet publications do not provide any teaching of (a) a database accessible via the distributed electronic network for storing a historical acceptance of consumer leads by each home service provider; a host server for executing computer-executable instructions for: (b) providing a menu comprising tasks that relate to skills of home service providers; (c) receiving a selection of a task from the menu; and (c) selecting home service providers from a dataset based upon historical acceptance of consumer leads by home service providers.

Further, the Improvenet publications do not constitute enabling prior art as noted above in the discussion for independent Claim 79. Specifically, the Improvenet publications cannot be used to reject any of the claims of the Applicants' invention because these publications only provide a "mere naming or description of the subject matter" and because they do not show "all the claimed structural features and how they are put together."

Even if the Examiner asserts that the Improvenet publications are enabling prior art, the Applicants respectfully submit that these publications still do not teach every element of amended independent Claim 93 as discussed above.

In light of the differences between amended Claim 93 and the Improvenet Publications, one of ordinary skill in the art recognizes that the broadest, reasonable interpretation of the Improvenet publications cannot anticipate or render obvious the recitations as set forth in amended independent Claim 93. Accordingly, consideration and an indication that Claim 93 is allowable over the prior art are respectfully requested.

New Dependent Claims 80-85, 87-92, and 94-98

These new dependent claims are being presented to further define the invention. These dependent claims should be allowable because their corresponding independent claims should be allowable over the prior art of record. Consideration of these new claims and an early notice of allowance are courteously solicited from the Examiner.

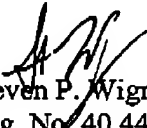
Application Serial No. 09/574,909

CONCLUSION

The foregoing is submitted as a full and complete response to the Office Action mailed on July 23, 2004. The Applicants and the undersigned thank Examiner Gart for consideration of these remarks. The Applicants have amended the claims by canceling the previous ones and by adding new claims. The Applicants have also submitted remarks to traverse rejections of previous Claims 1-5, 7-9, 13-15, 17-18, 27, 37-46, 50, 55, 62-67, and 70. The Applicants respectfully submit that the present application is in condition for allowance. Such action is hereby courteously solicited.

If the Examiner believes that there are any issues that can be resolved by a telephone conference, or that there are any formalities that can be corrected by an Examiner's amendment, please contact the undersigned in the Atlanta Metropolitan area (404) 572-2884.

Respectfully submitted,


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